

FIRST REGULAR SESSION

SENATE BILL NO. 301

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time January 17, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

0878S.011

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to the family friendly work programs tax credit.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be known as section 135.097, to read as follows:

135.097. 1. As used in this section the following terms shall mean:

(1) "Certificate", a tax credit certificate issued under the provisions of this section;

(2) "Compressed work schedule", allowing existing employees to work the same number of hours in a week in fewer days;

(3) "Department", the Missouri department of economic development;

(4) "Existing employee", a full-time employee employed in this state by the applicant employer prior to August 28, 2007;

(5) "Family friendly work program", a comprehensive program initiated by an employer providing at least two of the following:

(a) Compressed work schedules;

(b) Flextime;

(c) On-site child-care;

(d) Part-time positions;

(e) Telecommuting;

(6) "Flextime", allowing existing employees to more hours during work weeks in certain cyclical busy seasons in exchange for corresponding time off during other seasons;

(7) "On-site child-care", child-care provided by the employer at

22 its business facility by a child-care facility licensed under sections
23 210.201 to 210.245, RSMo, that was not offered prior to August 28, 2007;

24 (8) "Part-time positions", allows existing employees, that require
25 a reduced work schedule due to child birth or rearing, to continue in
26 their existing positions on a part-time basis with pro-rated benefits;

27 (9) "Taxpayer", a person, firm, a partner in a firm, corporation,
28 or a shareholder in a corporation, or a shareholder in a S corporation
29 doing business in the state of Missouri and subject to the state income
30 tax imposed under the provisions of chapter 143, RSMo, or a
31 corporation subject to the annual corporation franchise tax imposed
32 under the provisions of chapter 147, RSMo, or an insurance company
33 paying an annual tax on its gross receipts in this state, or other
34 financial institution paying taxes to the state of Missouri or any
35 political subdivision of this state under the provisions of chapter 148,
36 RSMo, or an individual subject to the state income tax imposed under
37 the provisions of chapter 143, RSMo;

38 (10) "Telecommuting", allowing existing employees to work at
39 least part of the work week from a home office;

40 2. For tax years beginning on or after January 1, 2008, a
41 taxpayer may apply to the department for a tax credit in an amount
42 equal to fifty percent of the expenses incurred for the implementation
43 of an eligible family friendly work program to the extent the expenses
44 are not otherwise deducted from the taxpayer's income. The tax credits
45 provided under this section shall be fully assignable, sellable and
46 transferrable. To the extent tax credits issued under this section
47 exceed a taxpayer's liability no refund shall result, however, the
48 taxpayer may carry remaining credits forward three years until fully
49 claimed. In no case shall the aggregate amount of tax credits issued in
50 any tax year exceed four million dollars.

51 3. The department shall promulgate rules necessary for the
52 implementation of the provisions of this section, including, but not
53 limited to, the provision of recapture powers and additional eligibility
54 requirements. Any rule or portion of a rule, as that term is defined in
55 section 536.010, RSMo, that is created under the authority delegated in
56 this section shall become effective only if it complies with and is
57 subject to all of the provisions of chapter 536, RSMo, and, if applicable,
58 section 536.028, RSMo. This section and chapter 536, RSMo, are

59 nonseverable and if any of the powers vested with the general assembly
60 pursuant to chapter 536, RSMo, to review, to delay the effective date,
61 or to disapprove and annul a rule are subsequently held
62 unconstitutional, then the grant of rulemaking authority and any rule
63 proposed or adopted after August 28, 2007, shall be invalid and void.

64 4. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

65 (1) Any new program authorized under this section shall
66 automatically sunset six years after the effective date of this section
67 unless reauthorized by an act of the general assembly; and

68 (2) If such program is reauthorized, the program authorized
69 under this section shall automatically sunset twelve years after the
70 effective date of the reauthorization of this section; and

71 (3) This section shall terminate on September first of the
72 calendar year immediately following the calendar year in which a
73 program authorized under this section is sunset.

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Bill

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